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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,271	01/22/2007	Axel Feger	ARY0003	4748
832 7590 06/24/2009 BAKER & DANIELS LLP 111 E. WAYNE STREET SUITE 800 FORT WAYNE, IN 46802				
EXAMINER				
KEE, FANNIE C				
ART UNIT		PAPER NUMBER		
3679				
MAIL DATE		DELIVERY MODE		
06/24/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/596,271

Applicant(s)

FEGER ET AL.

Examiner

Fannie Kee

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-11 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Oath/Declaration

1. Examiner acknowledges that Applicant has stated that a new declaration will be submitted correcting the priority date.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the connector including a pair of ramps surfaces and a pair of retaining surfaces along with the structures included in claims 7 and 8 must be shown or the features canceled from claim 9. No new matter should be entered.
3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the connector comprising a depression located in an outer surface, a clamp comprising a C-shaped snap ring received in that depression and the C-shaped snap ring including the engaging nose on an inner face along with the structure included in claim 7 must be shown or the features canceled from claim 13. No new matter should be entered.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 9 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Claim 9 recites “The connector...including at least a pair of said ramp surfaces and at least a pair of said retaining surfaces”. Claim 9 depends from claim 8 which depends from claim

7. Neither the drawings nor the specification enable this combination as claimed by Applicant.

Figure 2 of the drawings show the structure as claimed by Applicant in claims 7 and 8.

However, as shown in Figure 2 and as described in the specification (paragraph 20), there is a *"single conical section 19"* having an inclined ramp surface 13. The claimed feature in claim 9 is neither shown in the drawings nor described in the specification in combination with claims 7 and 8.

Claim 9 contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Also, as the limitations in the invention are not enabling, no art can be applied.

Claim 13 recites "wherein said connector comprises a depression located in an outer surface thereof, and said clamp comprises a C-shaped snap ring received within said depression, said C-shaped snap ring including said engaging nose on an inner face thereof". Claim 13 depends from claim 7. Neither the drawings nor the specification enable this combination as claimed by Applicant. Figure 2 of the drawings show the structure as claimed by Applicant in claim 7. However, as shown in Figure 2 and as described in the specification (paragraph 21), the clamping arrangement is provided with an annular closed sliding bushing that is displaced axially out of a releasing depression into an arresting depression. The claimed feature in claim 13 is neither shown in the drawings nor described in the specification in combination with claim 7.

Claim 13 contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly

connected, to make and/or use the invention. Also, as the limitations in the invention are not enabling, no art can be applied.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 7, 8, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Dehar U.S. Patent No. 3,724,882.

With regard to claim 7, Dehar discloses a connector for connecting to an end of a corrugated conduit, the corrugated conduit including a plurality of elevated corrugations, said connector comprising:

a connecting section (13) having a longitudinal axis;

an elongated connector portion (section between 14 and 16) extending from said connecting section and insertable into the end of the corrugated conduit, said connector portion having first and second ends, and a conical section located proximate said first end, said conical section including a ramp surface (14) sloping radially outwardly in a direction of said second end;

a clamp (17, 19, 28) extending from said connecting section and spaced radially from said first end of said connector portion, said clamp including an engaging nose (29) movable into

a clamping position wherein said nose fits between two of the elevated corrugations of the corrugated conduit to thereby prevent the conduit from being separated from said connector;

a releasing depression (groove at 24) provided in said connecting section;

an arresting depression (groove at 21) provided in said clamp; and

a sliding bushing (18) surrounding said connecting section, said sliding bushing movable between a release position in which said sliding bushing is disposed in said releasing depression and said engaging nose is movable into said clamping position, and a locking position in which said sliding bushing is disposed in said arresting depression and said engaging nose is prevented from moving out of said clamping position.

With regard to claim 8, Dehar discloses said connector portion further including a radially outwardly extending retaining surface adjacent said ramp surface, said retaining surface facing said second end and being directed at a greater angle relative to said longitudinal axis of said connector portion than said ramp surface.

With regard to claim 11, Dehar discloses said clamp (17, 19, 28) comprising two clamping brackets disposed parallel to said longitudinal axis on respective opposite sides of said connector portion, one of said brackets including said engaging nose (29).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dehar.

With regard to claim 10, Dehar discloses the claimed invention but does not disclose further including an annular elastic sealing body to surround the connector portion for sealing the corrugated conduit to said connector. Adding an annular elastic sealing body to surround the connector portion would not only seal the corrugated conduit to the connector, it would also provide additional leakage sealing for any fluids flowing through the connector itself.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have added an annular elastic sealing body to surround the connector portion as the sealing body would not only seal the corrugated conduit to the connector, it would also provide additional leakage sealing for any fluids flowing through the connector itself.

Response to Arguments

11. Applicant's arguments with respect to claims 7-11 and 13 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fannie Kee whose telephone number is (571) 272-1820. The examiner can normally be reached on 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/
Primary Examiner, Art Unit 3679

/F. K./
Examiner, Art Unit 3679
June 9, 2009